

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

December 15, 2009

Charles R. Fulbruge III
Clerk

No. 09-40190
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

BRENDA GAY MIMS,

Defendant-Appellant

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 9:98-CR-39-1

Before KING, JOLLY, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Appealing the judgment in a criminal case, Brenda Gay Mims raises arguments that are foreclosed by *United States v. Dublin*, 572 F.3d 235 (5th Cir.), *cert. denied*, 130 S. Ct. 517 (2009), which rejected the argument that *United States v. Booker*, 543 U.S. 220 (2005) applies in 18 U.S.C. § 3582(c)(2) proceedings and held that a district court may not reduce a sentence below the minimum provided in the amended Guidelines. The Government's motion for

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

summary affirmance is GRANTED, and the judgment of the district court is AFFIRMED.